

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

ERNEST MAXWELL AND
JOELLEN MAXWELL
V.

PRUDENTIAL CORPORATION

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§

Civil Action No. 4:10-CV-4486

AGREED JUDGMENT INVOLVING MINORS

This cause was heard on the 16th day of November, 2011. AA-1, minor Plaintiff, appeared in person and by her Guardian Ad Litem. Minor Plaintiffs AA-2 and AA-3 appeared through their Guardian Ad Litem only. GABRIEL ARROYO, Plaintiff, Individually and As Next Friend of AA-1, AA-2 and AA-3, appeared in person and by attorney of record. JOSE MARTINEZ, hereinafter referred to as Defendant, did not appear in person, but has consented to the terms of this Judgment as evidenced by his signature which appears below. The parties announced to the Court that they had reached an agreement among themselves, subject to the approval of the Court, of any and all claims that have or could be brought either by or through Plaintiffs or Defendant in this cause of action.

WHEREUPON, the Court proceeded to hear evidence. The Court, having heard the evidence adduced, and having considered the pleadings and the arguments of counsel, is fully advised as to the nature and character of the claims of the Minor Plaintiffs and the probabilities of recovery. The Court is in all respects satisfied that the settlement and agreement is fair, just, and reasonable, and is in all things in the best interest of the Minor Plaintiffs.

The Court finds that Prudential Corporation, a released Defendant from this cause of action, has deposited the sum of \$403,532.17 into the registry of this Court. The Court further

finds that these monies are the non-taxable life insurance proceeds paid from a policy which insured the life of the Minor Plaintiff's biological mother and the Defendant's wife.

The Court finds that the Plaintiff and Defendant have agreed to divide the life insurance proceeds as follows:

1. AA-1 to receive \$101,177.39;
2. AA-2 to receive \$101,177.39;
3. AA-3 to receive \$101,177.39; and
4. Defendant to receive \$100,000.00 plus all accrued interest from the Court Registry.

Terms of Judgment for Minor Plaintiff AA-1

The Court has appointed Jose R. Lopez, II as Guardian Ad-Litem for AA-1 in this cause. The Court ORDERS that Jose R. Lopez be awarded \$875.00 from the portion of the proceeds awarded to Minor Plaintiff AA-1 that were formerly deposited into the registry of the Court.

It is ORDERED that Minor Plaintiff, AA-1, acting by and through Minor's parent and next friend, and through a guardian ad litem, have and recover the total sum of \$101,177.39 from the Court Registry, which is apportioned as follows:

- a. **\$64,635.73** to be placed into a Texas Property Code Section 142.005 Trust for the benefit of AA-1. These funds shall be delivered to Securant Bank and Trust, a financial institution as defined by Section 201.101 of the Texas Finance Code. The holding, investing, administering and distribution of these funds shall be governed by the Trust Agreement submitted to this Court;
- b. \$35,000.00 in attorneys fees to the Law Firm of Hancock and Hjalmarson;
- c. \$ 875.00 in guardian ad litem fees to the Law Offices of Jose R. Lopez, II, PC;
and
- d. \$ 666.66 in attorneys fees, for the drafting of the trust pleadings and agreements, to the Law Offices of Locke & Lord.

Terms of Judgment for Minor Plaintiff AA-2

The Court has appointed Jose R. Lopez, II as Guardian Ad-Litem for AA-2 in this cause. The Court ORDERS that Jose R. Lopez be awarded \$875.00 from the portion of the proceeds awarded to Minor Plaintiff AA-1 that were formerly deposited into the registry of the Court.

It is ORDERED that Minor Plaintiff, AA-2, acting by and through Minor's parent and next friend, and through a guardian ad litem, have and recover the total sum of \$101,177.39 from the Court Registry, which is apportioned as follows:

- a. **\$64,635.73** to be placed into a Texas Property Code Section 142.005 Trust for the benefit of AA-2. These funds shall be delivered to Securant Bank and Trust, a financial institution as defined by Section 201.101 of the Texas Finance Code. The holding, investing, administering and distribution of these funds shall be governed by the Trust Agreement submitted to this Court;
- b. **\$35,000.00** in attorneys fees to the Law Firm of Hancock and Hjalmarson;
- c. **\$ 875.00** in guardian ad litem fees to the Law Offices of Jose R. Lopez, II, PC;
and
- d. **\$ 666.66** in attorneys fees, for the drafting of the trust pleadings and agreements, to the Law Offices of Locke & Lord.

Terms of Judgment for Minor Plaintiff AA-3

The Court has appointed Jose R. Lopez, II as Guardian Ad-Litem for AA-3 in this cause. The Court ORDERS that Jose R. Lopez be awarded \$875.00 from the portion of the proceeds awarded to Minor Plaintiff AA-1 that were formerly deposited into the registry of the Court.

It is ORDERED that Minor Plaintiff, AA-3, acting by and through Minor's parent and next friend, and through a guardian ad litem, have and recover the total sum of \$101,177.39 from the Court Registry, which is apportioned as follows:

- a. \$64,635.72 to be placed into a Texas Property Code Section 142.005 Trust for the benefit of AA-3. These funds shall be delivered to Securant Bank and Trust, a financial institution as defined by Section 201.101 of the Texas Finance Code. The holding, investing, administering and distribution of these funds shall be governed by the Trust Agreement submitted to this Court;
- b. \$35,000.00 in attorneys fees to the Law Firm of Hancock and Hjalmarson;
- c. \$ 875.00 in guardian ad litem fees to the Law Offices of Jose R. Lopez, II, PC; and
- d. \$ 666.67 in attorneys fees, for the drafting of the trust pleadings and agreements, to the Law Offices of Locke & Lord.

Terms of Judgment for Defendant

IT IS ORDERED that Defendant is to recover \$100,000.00 plus all accrued interest from the Court Registry.

Purchase of Laptop Computers

The Court finds that the attorney for Plaintiff, William D. Hancock, has purchased three (3) laptop computers with printers and learning software for the Minors AA-1, AA-2 and AA-3 at a cost of \$2,399.88.

Instructions to Clerk

1. The Clerk is ORDERED to pay SECURANT BANK & TRUST, 12960 W. Bluemound Road, Elm Grove, Wisconsin 53122, the sum of \$193,907.17 from the Court Registry.
2. The Clerk is ORDERED to pay the LAW OFFICES OF HANCOCK & HJALMARSON, 1512 Alabama Street, Houston, Texas 77004, the sum of \$105,000.00 from the Court Registry.
3. The Clerk is ORDERED to pay JOSE R. LOPEZ, II, PC, The Washington Center Ave, Ste 200, Houston, Texas 77007, the sum of \$2,625.00 from the Court Registry.

4. The Clerk is ORDERED to pay the LAW OFFICES OF LOCKE & LORD, 2200 Ross Avenue, Suite 2200, Dallas, Texas 75201, the sum of \$2,000.00 from the Court Registry.

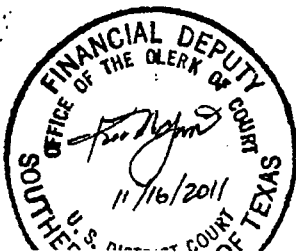
5. The Clerk is ORDERED to pay to JOSE MARTINEZ, 6100 Cortaderia Street NE, Apt. #3422, Albuquerque, New Mexico 87111, the sum of \$100,000.00, plus all accrued interest, from the Court Registry.

As this Judgment has been fully and finally paid, satisfied, and discharged in full, it is ORDERED that the Defendant is hereby relieved and discharged of and from any and all liabilities, claims, demands and causes of action of whatsoever nature asserted or which might have been asserted herein, known or unknown, accrued or to accrue, arising from or in any manner growing out of the accident or occurrence made the basis of this suit, and no execution shall ever issue against Defendant.


All other relief not expressly granted is denied.

Signed the 12 day of ^{December} ~~November~~, 2011.


JUDGE LEE ROSENTHAL



Approved as to substance and form:
HANCOCK & HJALMARSON



WILLIAM D. HANCOCK

TBN: 00789343


1512 Alabama Street

Houston, Texas 77004

Phone: (713) 523-6677

Fax: (713) 523-6683

ATTORNEY FOR PLAINTIFFS GABRIEL ARROYO, INDIVIDUALLY, AND AS NEXT
FRIEND OF AA-1, AA-2, AND AA-3, MINORS



JOSE MARTINEZ

Pro Se

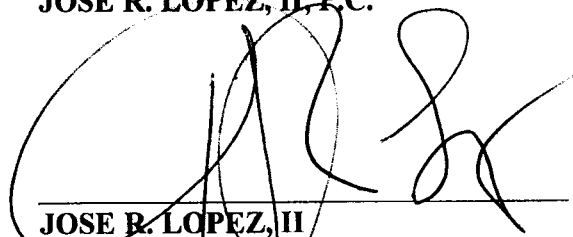
6100 Cortaderia Street NE, Apt #3422

Albuquerque, New Mexico 87111

Phone: (909) 331-5584

DEFENDANT

Approved as to substance and form:
JOSE R. LOPEZ, II, P.C.



JOSE R. LOPEZ, II

TBN: 12566446

Federal I.D. 9958

The Washington Center Ave, Ste 200

Houston, TX 77007

Phone: (713) 624-1070

Fax: (713) 961-0638

GUARDIAN AD LITEM OF MINOR PLAINTIFFS AA-1, AA-2, AND AA-3

Approved as to substance and form:

HANCOCK & HJALMARSON

WILLIAM D. HANCOCK

TBN: 00789343

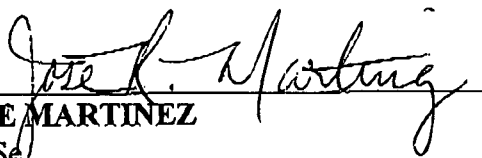
1512 Alabama Street

Houston, Texas 77004

Phone: (713) 523-6677

Fax: (713) 523-6683

ATTORNEY FOR PLAINTIFFS GABRIEL ARROYO, INDIVIDUALLY, AND AS NEXT
FRIEND OF AA-1, AA-2, AND AA-3, MINORS



JOSE MARTINEZ

Pro Se

6100 Cortaderia Street NE, Apt #3422

Albuquerque, New Mexico 87111

Phone: (909) 331-5584

DEFENDANT

(Albuquerque)

Approved as to substance and form:

JOSE R. LOPEZ, II, P.C.

JOSE R. LOPEZ, II

TBN: 12566446

Federal I.D. 9958

The Washington Center Ave, Ste 200

Houston, TX 77007

Phone: (713) 624-1070

Fax: (713) 961-0638

GUARDIAN AD LITEM OF MINOR PLAINTIFFS AA-1, AA-2, AND AA-3

DISTRIBUTION OF FUNDS FOR ALEXIS ARROYO

CLIENT: Gabriel Arroyo, on behalf of Alexis Arroyo, Minor TYPE: Coverage

FUNDS RECEIVED FROM: Prudential (in Court Registry) **\$101,177.39**

REDUCED ATTORNEY FEE: 34.59% **-\$ 35,000.00**

BALANCE: \$66,177.39

CASE EXPENSES: Waived **- 0.00**

BALANCE: \$66,177.39

GUARDIAN AD-LITEM FEES **-\$ 875.00**

BALANCE: \$65,302.39

TRUST DRAFTING FEE: **-\$ 666.66**

**TOTAL TO BE PLACED IN SECTION 142.005 TRUST
(TEXAS PROPERTY CODE) \$64,635.73**

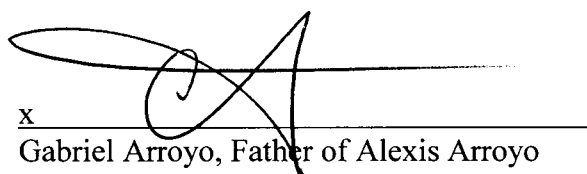
Funds to be held, invested, administered and distributed by Securant Bank
& Trust pursuant to the terms contained in the Trust Agreement.

Note: The Law Firm of Hancock and Hjalmarson has purchased a Laptop Computer with
Printer and Learning Software at a Cost of \$799.96 from Computer Service Now for the
benefit of Alexis Arroyo.

I acknowledge that I have reviewed the above and foregoing, that I am satisfied that the
figures contained therein are correct, that my representation by the Law Firm of HANCOCK &
HALMARSON has been satisfactory. I hereby authorize endorsement of my signature on any
and all settlement checks issued from the Federal Court Registry.

AGREED:

12/16/11
Date


x
Gabriel Arroyo, Father of Alexis Arroyo

DISTRIBUTION OF FUNDS FOR ANTHONY ARROYO

CLIENT: Gabriel Arroyo, on behalf of Anthony Arroyo, Minor TYPE: Coverage

FUNDS RECEIVED FROM: Prudential (in Court Registry) **\$101,177.39**

REDUCED ATTORNEY FEE: 34.59% **-\$ 35,000.00**

BALANCE: \$66,177.39

CASE EXPENSES: Waived **- 0.00**

BALANCE: \$66,177.39

GUARDIAN AD-LITEM FEES **-\$ 875.00**

BALANCE: \$65,302.39

TRUST DRAFTING FEE: **-\$ 666.66**

TOTAL TO BE PLACED IN 142.005 TRUST \$64,635.73
(TEXAS PROPERTY CODE)

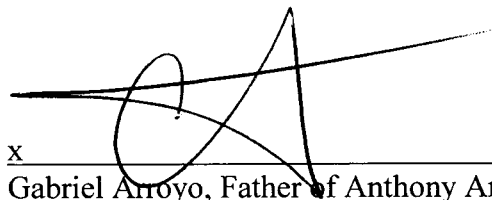
Funds to be held, invested, administered and distributed by Securant Bank
& Trust pursuant to terms contained in Trust Agreement.

Note: The Law Firm of Hancock and Hjalmarson has purchased a Laptop Computer with
Printer and Learning Software at a Cost of \$799.96 from Computer Service Now for the
benefit of Anthony Arroyo.

I acknowledge that I have reviewed the above and foregoing, that I am satisfied that the
figures contained therein are correct, that my representation by the Law Firm of HANCOCK &
HALMARSON has been satisfactory. I hereby authorize endorsement of my signature on any
and all settlement checks issued from the Federal Court Registry.

AGREED:

11/16/11
Date


x
Gabriel Arroyo, Father of Anthony Arroyo

DISTRIBUTION OF FUNDS FOR AYDEN ARROYO

CLIENT: Gabriel Arroyo, on behalf of Ayden Arroyo, Minor TYPE: Coverage

FUNDS RECEIVED FROM: Prudential (in Court Registry) **\$101,177.39**

REDUCED ATTORNEY FEE: 34.59% **-\$ 35,000.00**

BALANCE: \$66,177.39

CASE EXPENSES: Waived **- 0.00**

BALANCE: \$66,177.39

GUARDIAN AD-LITEM FEES **-\$ 875.00**

BALANCE: \$65,302.39

TRUST DRAFTING FEE: **-\$ 666.67**

TOTAL TO BE PLACED IN 142.005 TRUST \$64,635.72
(TEXAS PROPERTY CODE)

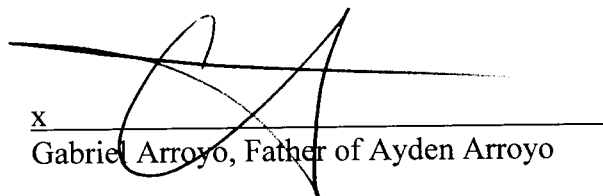
Funds to be held, invested, administered and distributed by Securant Bank
& Trust pursuant to the terms of the Trust Agreement.

Note: The Law Firm of Hancock and Hjalmarson has purchased a Laptop Computer with
Printer and Learning Software at a Cost of \$799.96 from Computer Service Now for the
benefit of Ayden Arroyo.

I acknowledge that I have reviewed the above and foregoing, that I am satisfied that the
figures contained therein are correct, that my representation by the Law Firm of HANCOCK &
HALMARSON has been satisfactory. I hereby authorize endorsement of my signature on any
and all settlement checks issued from the Federal Court Registry.

AGREED:

11/16/11
Date

x

Gabriel Arroyo, Father of Ayden Arroyo